

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Karina Herrera	Team: Squad #7	CCRB Case #: 202004426	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/29/2020 8:00 PM	Location of Incident: Barclays Center (Flatbush Avenue and Pacific Street)	Precinct: 78	18 Mo. SOL 11/29/2021	EO SOL 5/4/2022	
Date/Time CV Reported Tue, 06/16/2020 1:06 PM	CV Reported At: CCRB	How CV Reported: E-mail	Date/Time Received at CCRB Tue, 06/16/2020 1:06 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. POM Jason Goodman	18413	943315	078 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Solomon Jacobs	09290	960716	SRG 4
2. POM Michael Pascale	30095	956153	SRG 3

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: An officer used physical force against an individual.	
B. POM Jason Goodman	Force: Police Officer Jason Goodman used physical force against § 87(2)(b)	

Case Summary

On June 16, 2020, § 87(2)(b) filed the following complaint with the CCRB via an email.

At approximately 8:00 p.m. on May 29, 2020, § 87(2)(b) was at a protest that was occurring in front of the Barclays Center in Brooklyn when he saw an officer forcibly arrest an unidentified female on the corner of Pacific Street and Flatbush Avenue (**Allegation A: Force – Physical Force**, § 87(2)(g)). As § 87(2)(b) continued walking on Pacific Street, he saw another officer, Police Officer Jason Goodman from the 78th Precinct, forcibly arrest a male named § 87(2)(b) (**Allegation B: Force – Physical Force**, § 87(2)(g)).

The investigation found three Body-Worn Camera (BWC) videos that captured this incident (Board Review 01) (Board Review 02) (Board Review 05), and two cellphone videos (Board Review 03) (Board Review 04).

Findings and Recommendations

Allegation (A) Force: An officer used physical force against an individual.

§ 87(2)(b) stated that he was in front of the Barclays Center for a Black Lives Matter protest when officers began arresting protestors and pepper spraying them (Board Review 06); those allegations were addressed by the following cases: #202004179, #202003717, #202003715, #202003695, and #202005229. § 87(2)(b) moved away from the Barclays Center to avoid getting arrested when he saw a female holding a male's hand on the corner of Pacific Street and Flatbush Avenue, and they were crossing the street as many other people were doing at the time. A male officer suddenly grabbed the female's arm while she was on the street and he forced her onto the ground. The officer did not grab the male, but the male tried to hold onto the female as she was being taken down to the ground. Approximately three additional male officers surrounded the female while she was on the ground, but § 87(2)(b) continued walking on Pacific Street to avoid being targeted by the police. The female did not show any violence or aggression while § 87(2)(b) was present. § 87(2)(b) could not provide any substantial descriptions of the officers who apprehended the female because he briefly witnessed the incident as he was passing by.

§ 87(2)(b) did not have a clear recollection of how the female and her partner physically appeared because he believed they were walking away from him at the time of the incident, but he said she was an approximately 5'4" tall, 110-pound white female with blonde hair and a slim build who wore a white shirt and appeared to be in her late 20's or early 30's, and her partner was an approximately 6'0" tall, 190-pound white male with dark hair and an average build who may have been wearing either red or plaid.

A compilation video of different clips from this protest was posted on YouTube, and it was sent to § 87(2)(b) who noted that the compilation had a clip of a blonde female getting arrested at two minutes and twenty seconds, but he was unsure if that was the same arrest that he had reported in this complaint (Board Review 04).

Police Officer Michael Pascale from SRG 3 recorded BWC footage of an arrest he made at this location and the female, § 87(2)(b) who had some blonde in her hair, provided her contact information to him during her arrest (Board Review 05). § 87(2)(b) was contacted to see if she was the female that was holding the male's hand, but she denied that she was the person involved with this incident (Board Review 13). Police Officer Pascale's BWC video also shows another blonde female getting arrested near § 87(2)(b) and they eventually sit next to each other on the

correctional bus. At thirty-two minutes and twenty-three seconds, the female introduces herself to § 87(2)(b) and the audio faintly captures her saying, § 87(2)(b) but the BWC video does not show her providing her contact information to any officers.

A BADS search was conducted for all arrests that occurred within the vicinity of the incident location, and two of them involved blonde females, but they did not fit the specific description that was provided by § 87(2)(b) (Board Review 11). An Arrest Report for a female named § 87(2)(b) was also found. § 87(2)(b)'s arrest was .7 miles away and almost three hours after this incident, and her arrest report lists her as having brown hair. As such, the investigation determined that she was not the victim observed through Police Officer Pascale's BWC footage (Board Review 05) (Board Review 07).

Police Officer Goodman did not have any recollection of a blonde female who was forced onto the ground by officers while holding a male's hand (Board Review 09).

§ 87(2)(b), § 87(2)(g)

Allegation (B) Force: Police Officer Jason Goodman used physical force against § 87(2)(b)

§ 87(2)(b) stated that during the incident, the officers were broadcasting an automated message that instructed protestors to remain off the street (Board Review 06). When § 87(2)(b) saw § 87(2)(b) he was standing on the sidewalk and he was yelling at the officers, but he was wearing a mask and the location was noisy, so § 87(2)(b) did not hear anything that he said. In that moment, Police Officer Goodman approached § 87(2)(b) and they were engaged in a conversation. § 87(2)(b) heard Police Officer Goodman say, "Oh, you're just insulting me – I thought you had something important to say," and he walked away. Police Officer Goodman then suddenly returned to § 87(2)(b) and he grabbed him by his shirt. Police Officer Goodman attempted to pull § 87(2)(b) into the street, but § 87(2)(b) held onto § 87(2)(b) because he believed Police Officer Goodman was generating a cause to arrest him. Since he was unable to pull § 87(2)(b) into the street, Police Officer Goodman pushed § 87(2)(b) instead, which caused both of them to fall. On the ground, the officers handcuffed and arrested § 87(2)(b) for Obstruction of Governmental Administration (OGA) in the second degree and unlawful assembly (Board Review 07).

§ 87(2)(b) was contacted in regards to this complaint, but he chose not to participate (Board Review 12). However, the BWC footage that was obtained recorded some statements that § 87(2)(b) made after he was placed in handcuffs. Police Officer Michael Guzzone from Strategic Response Group 3 (SRG) recorded a BWC video while he was standing with § 87(2)(b) and at thirty-seven minutes and fifteen seconds, § 87(2)(b) begins shouting, "You assaulted me, Police Officer Goodman. You assaulted me and it's on video. You grabbed me by the shirt and threw me on the ground. I was just standing there, and you grabbed me by the shirt, Police Officer Goodman" (Board Review 01). Police Officer Solomon Jacobs from SRG 4 also had BWC footage of a conversation that he had with § 87(2)(b) and at one minute he tells him,

“He assaulted me. He grabbed me by the shirt when I showed no aggression. I was trying to get out of the street” (Board Review 02).

Lieutenant Acu Rhodes from the 78th Precinct prepared a Threat Resistance and Injury Report (TRI) on behalf of Police Officer Goodman in regards to this incident and it said, “While in the course of arresting a resisting subject during a planned protest, Police Officer Goodman utilized a takedown tactic, and he unexpectedly fell and struck his head on the sidewalk, which caused him dizziness and pain” (Board Review 08). Police Officer Goodman was transported to a hospital where he was diagnosed with a concussion.

IAB provided a video found on TikTok, and it showed most of the incident between Police Officer Goodman and § 87(2)(b) (Board Review 03). The audio of the video confirms that there is a voice repeatedly yelling, "Move back," into a speaker. At three seconds, the camera moves to the right and Police Officer Goodman appears to be engaged in a conversation with § 87(2)(b) (wearing a backpack and red or orange stiped long sleeve, button-down shirt), who is standing in the street in-between parked vehicles; due to the distance of the camera, the audio did not capture the context of their conversation. At five seconds, § 87(2)(b) appears and he stands behind § 87(2)(b). At ten seconds, Police Officer Goodman begins to walk away from § 87(2)(b) towards the middle of the street, and § 87(2)(b) remains in-between the parked vehicles. At fourteen seconds, from the left frame of the screen, an arm appears with a white long-sleeve shirt, but the rest of the person's body is not visible; the hand looks like it is pointing in § 87(2)(b) direction. At fifteen seconds, Police Officer Goodman turns his head back to § 87(2)(b) and he walks to him; it is not clear whether they say anything to each other at this time.

At sixteen seconds, Police Officer Goodman uses his left hand to grab the front of § 87(2)(b) shirt from the chest area and he pulls him towards the street, but § 87(2)(b) moves his body backwards towards the sidewalk where the other protestors are located. In this moment, § 87(2)(b) grabs § 87(2)(b) in an attempt to pull him to the sidewalk, and § 87(2)(b) places his left hand on Police Officer Goodman's left hand, which is still holding onto his shirt. At seventeen seconds, Police Officer Goodman uses his right hand to grab the rear of § 87(2)(b) left bicep, and the crowd begins to make noise in regards to their interaction. At eighteen seconds, Police Officer Goodman suddenly moves face-forward toward the sidewalk, and § 87(2)(b) moves backwards onto the sidewalk. It is not clear what causes them to move to the sidewalk, but § 87(2)(b) is still holding onto § 87(2)(b) during that period of time. Since Police Officer Goodman and § 87(2)(b) move into the crowd of people that are on the sidewalk, they are no longer visible in the video.

The compilation video found on YouTube also briefly shows Police Officer Goodman and § 87(2)(b) interaction while they were in the crowd of people that were on the sidewalk (Board Review 04). At two minutes and eight seconds, the video shows Police Officer Goodman's arms wrapped around § 87(2)(b) upper body from behind, and they are both moving towards the ground facedown; § 87(2)(b) is standing to the right of them, but he is not holding § 87(2)(b) at this time. Initially there are multiple protestors standing around PO Goodman and § 87(2)(b) but they run away once they touch the ground. At two minutes and nine seconds, § 87(2)(b) lands on his knees and Police Officer Goodman keeps his arms wrapped around his back. At two minutes and ten seconds, Police Officer Goodman and § 87(2)(b) are laying on the ground, and at least four officers approach them. At two minutes and fifteen seconds, Police Officer Goodman continues holding onto § 87(2)(b) and the other officers are grabbing his hands. The video clip suddenly ends there.

In Police Officer Jacobs BWC, Police Officer Goodman describes the circumstances surrounding the arrest of § 87(2)(b). At one minute and fifty-five seconds, Police Officer Goodman says, “We were locking up a female, and he started walking off the curb, so I told him to get back. I saw him coming out again, so I grabbed him, and they started swinging at me. OGA. Not him – I got hurt by the fall.” At two minutes and twenty-five seconds, Police Officer Goodman continues telling PO Jacobs, “While making an arrest, he said something, so I went over to see what he said. He started walking towards the arrest, so I told him to get back. I pushed him back and he started flailing as we went to the ground.”

During his interview, Police Officer Goodman stated that there were multiple arrests happening in the street at the time of the incident, so that was why the protestors needed to remain on the sidewalk (Board Review 09). Police Officer Goodman noticed that § 87(2)(b) was standing in the street, so he instructed him to get on the sidewalk multiple times, but § 87(2)(b) began yelling at him; Police Officer Goodman did not recall what he said. After watching the TikTok video, Police Officer Goodman explained that he walked away from § 87(2)(b) because he had assumed that he would comply with his orders, but shortly afterwards, a male officer in uniform wearing a white shirt instructed Police Officer Goodman to arrest § 87(2)(b) so he returned to him. Police Officer Goodman did not know who this officer was because there were many officers present from different precincts, but he complied with the officer’s instruction because he was a commanding officer. When Police Officer Goodman grabbed § 87(2)(b) shirt, he intended to pull him into the middle of the street because that was where the rest of the officers were conducting their arrests, but given that § 87(2)(b) had moved backwards, it caused Police Officer Goodman to move with him, and they both accidentally fell on the floor. Police Officer Goodman clarified that this was not intentional, and he described it as a fall – not a takedown. Besides moving backwards, § 87(2)(b) did not resist the officers any other way, and Police Officer Goodman did not utilize any additional force, such as strikes.

Police Officer Goodman hit his head on the ground during the fall which caused him pain, so he did not assist with the rest of § 87(2)(b) arrest, including the handcuffing and the arrest processing. Police Officer Goodman was eventually transported to the hospital where he was diagnosed with a concussion. This was confirmed by the Arrest Report and Police Officer Jacobs’ BWC footage because he ends up handling § 87(2)(b) arrest on behalf of Police Officer Goodman (Board Review 02).

According to Patrol Guide Procedure 221-01, officers may use force to ensure their own safety, or when it is reasonable to place a person in custody or to prevent their escape from custody (Board Review 10).

§ 87(2)(b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b)
[REDACTED]

■ § 87(2)(b) [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]

- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party (Board Review 15).
- Police Officer Goodman has been a member of service for thirteen years and has been a subject in six CCRB complaints and fifteen allegations, none of which were substantiated.

■ § 87(2)(g) [REDACTED]
 ■ [REDACTED]

- Case #202003717 is from this protest and it involves three allegations of force with a nightstick, two allegations of physical force, one allegation of threat of force, and one allegation of discourtesy word. To date, this investigation is still open.
- Case #202003728 is from this protest and it involves and allegation of force with a nightstick. To date, this investigation is still open.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- According to the Office of Court Administration (OCA), § 87(2)(b) [REDACTED] has no history of convictions in New York City (Board Review 16).
- According to the Office of Court Administration (OCA), § 87(2)(b) [REDACTED] has no history of convictions in New York City (Board Review 17).
- As of October 16, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 18).

Squad No.: 7

Investigator:	<u>Karina Herrera</u>	<u>Inv. Karina Herrera</u>	<u>10/23/2020</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Manager Vanessa Rosen</u>	<u>October 26, 2020</u>
	Signature	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date

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